

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE:

Rumley Moore,

Debtor.

Case No. 06-45895

Chapter 7

Hon. Phillip J. Shefferly

**ORDER (1) DENYING MOTION TO EXTEND TIME TO
FILE CERTIFICATE OF CREDIT COUNSELING; AND
(2) DISMISSING CHAPTER 7 CASE**

On May 11, 2006, the Debtor filed this Chapter 7 case. On May 30, 2006, the Debtor filed a motion to extend the deadline to file various required documents, including a credit counseling certificate. On June 23, 2006, the Court held a hearing with respect to the Debtor's motion. The Debtor advised the Court that he had completed the credit counseling and, on June 8, 2006, had filed a certificate of credit counseling (docket entry #21). The certificate filed by the Debtor discloses that the Debtor's credit counseling took place on June 2, 2006, after the date the Debtor's petition had been filed. Because § 109(h)(1) requires the credit counseling to take place during the 180 day period preceding the date of filing the petition, the certificate filed by the Debtor does not comply with § 109(h)(1) or § 521(b)(1). Therefore, the Debtor's motion to extend time to file credit counseling certificate lacks merit and the Debtor is ineligible to be a debtor in a bankruptcy case. Accordingly,

IT IS HEREBY ORDERED that the Debtor's motion to extend time to file certificate of credit counseling is denied.

IT IS FURTHER ORDERED that this Chapter 7 case is dismissed because the Debtor is not eligible under § 109(h)(1) of the Bankruptcy Code.

Entered: June 26, 2006

/s/ Phillip J. Shefferly
Phillip J. Shefferly
United States Bankruptcy Judge